



12 DEC 2006

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Alan R. Loudermilk
LOUDERMILK & ASSOCIATES
Post Office Box 3607
Los Altos, CA 94024-0607

In re Application of
GEORGES, Alain et al. :
Application No.: 10/541,640 :
PCT No.: PCT/US03/40051 :
Int. Filing Date: 11 November 2003 : DECISION
Priority Date: 07 January 2003 :
Attorney's Docket No.: DBT-006PCTUS1 :
For: SYSTEMS AND METHODS FOR
PORTABLE AUDIO SYNTHESIS :

This decision responds applicants' Request Under 37 CFR 1.497(d), filed with the United States Patent and Trademark Office on 27 October 2006.

BACKGROUND

On 21 August 2006, the Office mailed Decision, informing applicants that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 October 2006, applicants submitted this request under 37 CFR 1.497(d) to add four inventors to the application. The application included a certificate under 37 CFR 1.8, indicating it was timely deposited on 23 October 2006.

DISCUSSION

Applicants file this request to add Eric Laurent, Frederic Flohr, Jean-Phillipe Chevreau and Alan R. Loudermilk as inventors.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied. Applicants provided a statement by Eric Laurent, Frederic Flohr, Jean-Phillipe Chereau and Alan R. Loudermilk and the processing fee will be charged to deposit account no. 50-0251, as authorized.

Item (3) has not been satisfied. Applicants have not furnished a copy of the assignment from the original inventors to the assignee. The recorded document is a "Confirmation of Assignment". It indicates that other assignment documents have been signed with various entities. The chain of title between these companies has not been established. It is unclear to whom these inventors assigned their invention and the language at the bottom of the confirmation requiring prior written authorization from Voislav Damevski to assign to MediaLab Solutions indicates other papers are required with regard to Mr. Damevski's interest.

PETITION UNDER 37 CFR 1.182

The declaration is executed by Voislav "Voit" Damevski. The international application listed Voit Damevski.

Applicant has supplied a statement signed by Voislav Damevski stating that he is legally Voislav Damevski and that the listing of him by his nickname "Voit" was in error. This is sufficient explanation. The \$400 petition fee will be charged to deposit account no. 50-0251, as authorized.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **REFUSED**.

The petition under 37 CFR 1.182 to correct the inventor's name is **GRANTED**.

A proper response as indicated above must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459